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CQ571

September 23, 2002

By Fax to (801) 517-1021
and by U.S. Mail

National Environmental Policy Act Task Force
P. O. Box 221150
Salt Lake City, UT 84122

Re: Request for Comments - 67 FR 45510-45512 (July 9, 2002)
Council on Environmental Quality

Dear Task Force Members:

Concerned Citizens for Nuclear Safety (CCNS) is a Santa Fe, New Mexico based non-profit environmental and educational organization which was founded in 1988 because of citizens concerns about the transportation of nuclear waste through our community from Los Alamos National Laboratory (LANL) to the proposed Waste Isolation Pilot Plant (WIPP). Throughout the past 14 1/2 years, our work has expanded to include analyses of and education about the environmental impacts of the Department of Energy (DOE) nuclear weapons production and waste facilities in New Mexico and other sites around the nation. CCNS has reviewed and commented on a number of programmatic and site-specific NEPA documents produced by DOE and the Environmental Protection Agency (EPA).

CCNS answers several questions and makes the following comments to the Council of Environmental Quality (CEQ) notice, Study Areas A, B and C, and F. 67 FR 45510-45512 (July 9, 2002).

A. Technology, Information Management and Information Security:

1. CCNS finds data and background studies in order to prepare comments on NEPA analyses through our library, reading rooms, and the LANL library. We frequently use the Internet for research purposes. However, since 9/11, DOE has removed many National Environmental Policy Act (NEPA) documents and background studies from their websites and it is very difficult to obtain paper copies. It should be noted that personal technological resources in New Mexico are often inadequate as compared to those in other states, particularly considering that New Mexico is one of the poorest states in the Union. CCNS recommends that any large documents that are available on the web should be accessible by section or chapter for easier downloading to accommodate citizens who may not have the most advanced technological resources. Some documents, for example, figures, exhibits and maps, should have individual pages in order to accommodate downloading.

CQ571

National Environmental Policy Act Task Force
September 23, 2002
Page Two

5. CCNS prefers to receive information about proposed actions, NEPA analyses, and for receiving NEPA documents in paper form, with CD-ROMs for research purposes. We maintain a paper library that has proven to be very useful following the loss of federal agency documents from the Internet since 9/11. Due to technologic challenges in New Mexico, it is sometimes difficult to download large documents from the Internet.

CCNS also receives information at public meetings and from newspaper ads.

6. CCNS finds that the basic information management technologies, with broad public access, work best in New Mexico. These include paper copies of documents, newspaper ads, and public meetings. Many people would have difficulty accessing federal websites established for gathering public input.

7. The federal government is part of a democracy. In a democracy, the citizens retain the power that has not been delegated. CCNS believes, even in this post 9/11 world, that citizens have not rescinded the power of public involvement to the federal government. CCNS also believes that public involvement outweighs any attempts to limit the public's access to information through information security measures. The NEPA Task Force should seriously examine and analyze any proposals that would limit public involvement in decisionmaking involving federal activities that impact the environment.

B. Federal and Inter-governmental Collaboration:
C. Programmatic Analysis and Tiering:

CCNS offers the following as an example of where federal and inter-governmental collaboration and programmatic analysis would be useful. Large quantities of federal funding are being directed towards the U.S. biological threat reduction programs, yet there is neither coordination nor programmatic analyses among the agencies. The DOE has approved biological safety laboratories, level 3 (BSL-3) at LANL through an environmental assessment (EA). DOE/EA-1364. The EA is being challenged in federal court. Nuclear Watch of New Mexico v. DOE, (D.N.M. 2002). Recently, another DOE site, the Lawrence Livermore National Laboratory, released a draft EA for comment that is expected to be approved. As stated above, large amounts of funding are going into this federal program and yet no programmatic analyses have been done. In addition, the Health and Human Services/National Institutes of Health is proposing a BSL, level 4 in Montana.

CQ571

National Environmental Policy Act Task Force
September 23, 2002
Page Three

CCNS believes that there are a number of unresolved issues involved in these federal activities, including redundancy in the research programs and facilities, possible duplicative analyses, a lack of fiscal responsibility, and a difference in the agencies' policies, including access to information. CCNS questions the oversight CEQ is providing for such similar federal projects. The NEPA Task Force should examine what policies are in place to address the need for programmatic analyses across federal agencies and why these bio-threat reductions programs have slipped through the cracks.

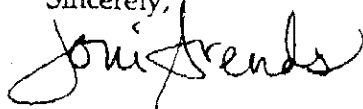
F. Additional Areas for Consideration:

CCNS strongly urges the Task Force to consider the need for the NEPA process to include analyses of the cumulative effects of federal activities that impact the environment, including the synergistic effects of chemicals and hazardous materials in air, water, or in soil at various pH levels.

CCNS believes that the NEPA Task Force should also prepare case studies that include examples of bad practices in order to caution federal agencies about improper actions.

Thank you for your consideration of CCNS's comments. Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,



Joni Arends
Waste Programs Director